

ESTTA Tracking number: **ESTTA407362**

Filing date: **05/05/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Travelpro International, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	700 Banyan Trail Boca Raton, FL 33431 UNITED STATES		

Attorney information	Jennifer Parkins Rabin Akerman Senterfitt 222 Lakeview Avenue; Fourth Floor West Palm Beach, FL 33401-6147 UNITED STATES ip@akerman.com, tina.lynn@akerman.com Phone:561-653-5000
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### Registration Subject to Cancellation

Registration No	3206792	Registration date	02/06/2007
Registrant	Wallace, Wayne C. 904 Bonfouca Place Mandeville, LA 70471 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 018. First Use: 2005/02/00 First Use In Commerce: 2006/09/25  
All goods and services in the class are cancelled, namely: Luggage

### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2562936	Application Date	02/03/2000
Registration Date	04/23/2002	Foreign Priority Date	NONE
Word Mark	PILOT DESIGNED, FLIGHT CREW TESTED		

Design Mark	PILOT DESIGNED, FLIGHT CREW TESTED
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 luggage

U.S. Registration No.	3210609	Application Date	10/10/2005
Registration Date	02/20/2007	Foreign Priority Date	NONE
Word Mark	THE ORIGINAL CREWBAG		
Design Mark	THE ORIGINAL CREWBAG		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1989/01/01 First Use In Commerce: 1989/01/01 luggage, suitcases, garment bags for travel, all purpose sports bags, toiletry cases sold empty, shoulder bags, carrying cases, tote bags, rolling tote bags, duffle bags, rolling duffle bags, backpacks, rolling backpacks		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CREW; FLIGHT CREW; CREW8; CREW2; CREW3; CREW4; CREW5; CREW6; CREW7; CREW SELECT; CREWPRO; CREW CLASSIC		
Goods/Services	luggage		

Attachments	75911478#TMSN.gif ( 1 page )( bytes ) 78730079#TMSN.jpeg ( 1 page )( bytes ) 6812-306 Petition to Cancel as Filed with TTAB 5-5-11 (WP764673).PDF ( 18 pages )(3399215 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jennifer Parkins Rabin/
Name	Jennifer Parkins Rabin
Date	05/05/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF:

**KREWE**



**BAG**

Mark:

Registration No. 3,206,792

Registrant: Wayne C. Wallace

Date of Registration: February 6, 2007

\_\_\_\_\_  
TRAVELPRO INTERNATIONAL, INC.

Petitioner,

v.

WAYNE C. WALLACE

Registrant.  
\_\_\_\_\_

Cancellation No.: \_\_\_\_\_

**PETITION TO CANCEL**

Travelpro International, Inc. ("Petitioner" or "Travelpro"), a Delaware corporation, having its principal place of business at 700 Banyan Trail, Boca Raton, FL 33431, believes it will be damaged by the continued registration of U.S. Trademark Registration No. 3,206,792 (the "792 Registration"), and hereby petitions to cancel the same pursuant to 15 U.S.C. §1064, based upon the following allegations.

1. For nearly two decades Travelpro has used a family of marks incorporating the word CREW in connection with the advertising, promotion, distribution and sale of luggage, wheeled luggage, and business cases and carrying cases, among other products.

2. Travelpro is a world-renowned luggage company. Travelpro was founded by a pilot who built the company's reputation for product excellence by designing and selling luggage products engineered to meet the needs of pilots, flight attendants and airline professionals. This corporate history is well-known in the industry and ubiquitous with the company and its brand image.

3. Over the years, the CREW family of marks has included a host of marks incorporating the CREW brand, including among others, the marks: "CREW", "FLIGHT CREW", "CREW8" (as well as the preceding series of marks, CREW2, CREW3, CREW4, CREW5, CREW6 and CREW7), "CREW SELECT", "CREWPRO", "CREW CLASSIC", and "PILOT DESIGNED, FLIGHT CREW TESTED" (collectively, the "CREW Family of Marks").

4. As a result of the use of all of the foregoing marks, and the sale of substantial quantities of product under the CREW brand by Travelpro for close to two decades, Travelpro has acquired significant common law rights and substantial consumer recognition and goodwill in the CREW brand and the CREW Family of Marks.

5. Petitioner is the owner of U.S. Registration No. 2,562,936 for the mark "PILOT DESIGNED, FLIGHT CREW TESTED" and U.S. Registration No. 3,210,609 for the mark "THE ORIGINAL CREWBAG". Copies of the TARR and TESS reports for these two Registrations are attached hereto as Composite Exhibit A.

6. Use of the mark CREW as an element of one or more of the various marks comprising the CREW Family of Marks owned by Travelpro has been valid, ongoing and continuous without interruption since at least as early as 1989, and such use has not been abandoned.

7. Travelpro adopted and began using its first CREW mark at least eighteen years prior to Registrant's registration of the mark KREWE BAG and design.

8. Travelpro's use of its first CREW mark preceded both the alleged first use date and the application date for Registrant's mark.

9. Registrant has obtained the '792 Registration for the word and design mark "KREWE BAG", which is registered for use in connection with "luggage."

10. Registrant's mark is confusingly similar to Petitioner's CREW Family of Marks in that Registrant's use of the word KREWE is phonetically identical to Petitioner's CREW brand; and Registrant's mark KREWE BAG is virtually identical to Travelpro's registration for the mark "THE ORIGINAL CREWBAG".

11. Registrant's goods are identical to the goods offered by Petitioner under the CREW Family of Marks, and upon information and belief, Registrant's goods have been advertised and promoted through the same channels of trade by which Petitioner's goods are distributed and sold.

12. Upon information and belief, Registrant had knowledge of Travelpro's use of the CREW brand and the CREW Family of Marks prior to the filing of its application to register the mark KREWE BAG.

13. Registrant seeks to create further confusion by capitalizing upon Travelpro's goodwill, reputation and corporate history by employing the tagline, "Designed by and for Crew Members."

14. Upon information and belief, Registrant adopted and registered the mark KREWE BAG with the intent to trade off of the goodwill of Travelpro's CREW brand and its CREW Family of Marks.



15. Registrant's use of the mark KREWE BAG in connection with the goods identified in U.S. Registration No. 3,206,792 is likely to cause confusion, mistake or deception as to the source of origin of Registrant's goods in that the public, the trade and others are likely to believe that Registrant's goods are provided by, sponsored by, approved by, licensed by, affiliated with or in some way connected to Petitioner.

16. Petitioner's standing in this proceeding is based upon its earlier trademark registrations and its common law priority of use of the CREW brand and its CREW Family of Marks.

17. Petitioner has not consented to the use or registration of the KREWE BAG and design mark by the Registrant.

18. The continued registration of U.S. Registration No. 3,206,792 will damage Petitioner in that the foregoing registration entitles the Registrant to the presumption of exclusive nationwide rights in the mark.

19. Petitioner is further damaged by the continued registration of U.S. Registration No. 3,206,792 because the Registrant's mark consists of or comprises a mark which so resembles Petitioner's CREW brand and its CREW Family of Marks as to be likely, when used on or in connection with the goods of the Registrant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Petitioner respectfully requests that the Registrant's U.S. Trademark Registration No. 3,206,792 be cancelled.

Dated: May 5<sup>th</sup>, 2011

Respectfully submitted,

AKERMAN SENTERFITT

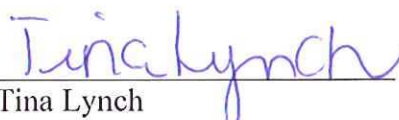
By:   
Jennifer P. Rabin  
222 Lakeview Avenue; Fourth Floor  
West Palm Beach, FL 33401-6147  
Tel: 561-653-5000  
Fax: 561-659-6313  
Email: ip@akerman.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and complete copy of the foregoing PETITION TO CANCEL has been served by mailing said true and complete copy on the 5<sup>th</sup> day of May, 2011, via First Class Mail, postage prepaid, to:

Wayne Wallace  
904 Bonfouca Place  
Mandeville, Louisiana 70471

Erik M. Pelton, Esq.  
Erik M. Pelton & Associates, PLLC  
PO Box 100637  
Arlington, VA 22210

  
Tina Lynch



# **COMPOSITE EXHIBIT A**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-05-05 12:09:28 ET**

**Serial Number:** 75911478 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2562936

**Mark (words only):** PILOT DESIGNED, FLIGHT CREW TESTED

**Standard Character claim:** No

**Current Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Date of Status:** 2008-05-27

**Filing Date:** 2000-02-03

**Transformed into a National Application:** No

**Registration Date:** 2002-04-23

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 108

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 830 -Post Registration

**Date In Location:** 2008-05-27

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Travelpro International, Inc.

**Address:**

Travelpro International, Inc.  
700 Banyan Trail  
Boca Raton, FL 33431  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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### GOODS AND/OR SERVICES

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**International Class:** 018

**Class Status:** Active

luggage

**Basis:** 1(a)

**First Use Date:** 1997-00-00

**First Use in Commerce Date:** 1997-00-00

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

1927128

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-05-28 - TEAS Change Of Correspondence Received

2010-02-03 - Assignment Of Ownership Not Updated Automatically

2010-01-28 - Assignment Of Ownership Not Updated Automatically

2008-05-27 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-05-06 - Assigned To Paralegal

2008-04-18 - TEAS Section 8 & 15 Received

2007-10-08 - Attorney Revoked And/Or Appointed

2007-10-08 - TEAS Revoke/Appoint Attorney Received

2007-09-14 - TEAS Change Of Correspondence Received

2007-05-14 - Case File In TICRS

2003-12-12 - TEAS Change Of Correspondence Received

2002-04-23 - Registered - Principal Register

2002-01-29 - Published for opposition

2002-01-09 - Notice of publication

2001-08-21 - Approved for Pub - Principal Register (Initial exam)

2001-04-16 - Communication received from applicant

2000-10-11 - Non-final action mailed

2000-06-29 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Amy J. Benjamin, Robert J. Sacco, Andrew Baum, Paul Fields, Robert S. Weisbein, Eric A. Prager, Karin Segall, Laura J. Winston, Abigail Rubinstein and Kathryn Starnella

**Correspondent**

Amy J. Benjamin, Robert J. Sacco, Andrew  
Seyfarth Shaw LLP  
Suite 300  
Two Seaport Lane  
Boston MA 02210-2028  
Phone Number: 617-946-4830  
Fax Number: 617-946-4801

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COMMERCE COURT WEST  
THIRD FLOOR  
TORONTO, ONTARIO M5L 1A2**Correspondent:** DAVID L. PRINCIPE - HODGSON RUSS LLP  
140 PEARL STREET, SUITE 100  
THE GUARANTY BUILDING  
BUFFALO, NY 14202-4040

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<b>Word Mark</b>	PILOT DESIGNED, FLIGHT CREW TESTED
<b>Goods and Services</b>	IC 018. US 001 002 003 022 041. G & S: luggage. FIRST USE: 19970000. FIRST USE IN COMMERCE: 19970000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75911478
<b>Filing Date</b>	February 3, 2000
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 29, 2002
<b>Registration Number</b>	<b>2562936</b>
<b>Registration Date</b>	April 23, 2002
<b>Owner</b>	(REGISTRANT) Travelpro International, Inc. CORPORATION DELAWARE 700 Banyan Trail Boca Raton FLORIDA 33431
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Amy J. Benjamin, Robert J. Sacco, Andrew Baum, Paul Fields, Robert S. Weisbein, Eric A. Prager, Karin Segall, Laura J. Winston, Abigail Rubinstein and Kathryn Starnella
<b>Prior Registrations</b>	1927128
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE



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**Serial Number:** 78730079 Assignment Information Trademark Document Retrieval

**Registration Number:** 3210609

**Mark**

**THE ORIGINAL CREWBAG**

**(words only):** THE ORIGINAL CREWBAG

**Standard Character claim:** Yes

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2007-02-20

**Filing Date:** 2005-10-10

**Transformed into a National Application:** No

**Registration Date:** 2007-02-20

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-02-20

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. TRAVELPRO INTERNATIONAL, INC.

**Address:**

TRAVELPRO INTERNATIONAL, INC.

700 Banyan Trail

Boca Raton, FL 33431

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class:** 018

**Class Status:** Active

luggage, suitcases, garment bags for travel, all purpose sports bags, toiletry cases sold empty, shoulder bags, carrying cases, tote bags, rolling tote bags, duffle bags, rolling duffle bags, backpacks, rolling backpacks

**Basis:** 1(a)

**First Use Date:** 1989-01-01

**First Use in Commerce Date:** 1989-01-01

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**ADDITIONAL INFORMATION**

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**Disclaimer:** "ORIGINAL"

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2010-06-01 - TEAS Change Of Correspondence Received

2010-02-03 - Assignment Of Ownership Not Updated Automatically

2010-01-28 - Assignment Of Ownership Not Updated Automatically

2007-10-08 - Attorney Revoked And/Or Appointed

2007-10-08 - TEAS Revoke/Appoint Attorney Received

2007-09-14 - TEAS Change Of Correspondence Received

2007-02-20 - Registered - Principal Register

2006-12-05 - Published for opposition

2006-11-15 - Notice of publication

2006-10-30 - Law Office Publication Review Completed

2006-10-27 - Assigned To LIE

2006-10-19 - Approved for Pub - Principal Register (Initial exam)

2006-10-19 - Amendment From Applicant Entered

2006-09-20 - Communication received from applicant

2006-09-20 - PAPER RECEIVED

2006-04-17 - Non-final action mailed

2006-04-16 - Non-Final Action Written

2006-04-13 - Assigned To Examiner

2005-10-14 - New Application Entered In Tram

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### ATTORNEY/CORRESPONDENT INFORMATION

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#### **Attorney of Record**

Amy J. Benjamin, Robert J. Sacco, Andrew Baum, Paul Fields, Robert S. Weisbein, Eric A. Prager, Karin Segall, Laura J. Winston, Abigail Rubinstein and Kathryn Starnella

#### **Correspondent**

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Fax Number: (617) 946-4801



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COMMERCE COURT WEST  
THIRD FLOOR  
TORONTO, ONTARIO M5L 1A2**Correspondent:** DAVID L. PRINCIPE - HODGSON RUSS LLP  
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**THE ORIGINAL CREWBAG**

<b>Word Mark</b>	THE ORIGINAL CREWBAG
<b>Goods and Services</b>	IC 018. US 001 002 003 022 041. G & S: luggage, suitcases, garment bags for travel, all purpose sports bags, toiletry cases sold empty, shoulder bags, carrying cases, tote bags, rolling tote bags, duffle bags, rolling duffle bags, backpacks, rolling backpacks. FIRST USE: 19890101. FIRST USE IN COMMERCE: 19890101
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78730079
<b>Filing Date</b>	October 10, 2005
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 5, 2006
<b>Registration Number</b>	3210609
<b>Registration Date</b>	February 20, 2007
<b>Owner</b>	(REGISTRANT) TRAVELPRO INTERNATIONAL, INC. CORPORATION FLORIDA 700 Banyan Trail Boca Raton FLORIDA 33431
<b>Assignment</b>	ASSIGNMENT RECORDED



**Recorded****Attorney of  
Record**

Amy J. Benjamin, Robert J. Sacco, Andrew Baum, Paul Fields, Robert S. Weisbein, Eric A. Prager, Karin Segall, Laura J. Winston, Abigail Rubinstein and Kathryn Starnella

**Disclaimer**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORIGINAL" APART FROM THE MARK AS SHOWN

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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